

**UNITED STATES BANKRUPTCY COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
DIVISION**

**CHAPTER 13 PLAN
AND RELATED MOTIONS**

Name of Debtor(s):

Case Number:

Note to creditors: Section A is the summary of the plan, Section B contains the detailed provisions of the plan and Section C is the debtor's budget. Except where noted otherwise, references to the "debtor" also refer to the debtor's spouse if the case is a joint case.

SECTION A - PLAN SUMMARY

A-1 DATE OF PLAN

This plan, dated _____ is:

_____ the *first* Chapter 13 plan filed in the case.

_____ a modified plan, which replaces the plan dated: _____.

That plan _____ been confirmed by the Court

Summary of Modification

a. Plan Provision Modified by this Filing:

b. Nature of Modification:

c. Creditors Affected by Modification:

A-2. ASSETS AND LIABILITIES

On _____, the debtor

_____ filed for relief under Chapter 13.

_____ converted a previously filed case to one under Chapter 13.

As of that date, the debtor listed assets and liabilities as follows:

Total Assets: \$
Total Unsecured Debt including unsecured portion of secured
debt: \$
Total Secured Debt: \$

A-3. FUNDING OF PLAN

The future earnings and income of the debtor are submitted to the supervision and control of the trustee. The debtor proposes to pay the sum of \$_____ per _____ for months or longer if necessary for completion of this plan according to its terms, but not more than 60 months. The total amount to be paid into the plan is \$_____.

This does/does constitute all of the disposable income of the debtor during the period of the plan.

Payments will be made in equal installments of \$_____ every

- _____ Month
- _____ Twice monthly (24 payments per year)
- _____ Two weeks (26 payments per year)
- _____ Week

Beginning: _____.

OTHER PAYMENTS:

A-4. PAYMENT TO UNSECURED CREDITORS. Unsecured creditors with claims not entitled to priority under the United States Bankruptcy Code will receive in deferred cash payments from the trustee approximately _____% of the present value of their allowed claims, without interest. If this case were liquidated under Chapter 7, such creditors would receive a dividend of approximately _____% of their allowed claims.

SECTION B - PROVISIONS OF PLAN

B-1. ELIGIBILITY. The debtor is an individual who owed, on the date of the filing of the petition commencing this case, noncontingent, liquidated and unsecured debts totaling \$_____ and noncontingent, liquidated and secured debts totaling \$_____. The debtor has regular income and is otherwise eligible for relief under 11 U.S.C. § 109(e) of the United States Bankruptcy Code. This plan is proposed in good faith and complies with all applicable provisions of Chapter 13 and the United States Bankruptcy Code.

B-2. PAYMENTS TO PRIORITY CREDITORS

a. Priority Creditors Under 11 U.S.C. § 1326(b). The following priority creditors shall, subject to payments to secured creditors, be paid in full at or before the time of payment to remaining creditors:

1. Trustee: 10% of all sums disbursed, except any funds returned to the debtor.
2. Debtor's Attorney: \$_____ balance due of total fee of \$_____.

The attorney shall comply with Local Bankruptcy Rule 2016-1. Any fee in excess of the maximum established in L.B.R. 2016-1 will require an application for allowance of compensation and reimbursement of expenses by separate and distinct pleading. Any such application shall comply with 11 U.S.C. § 330, F.R.B.P. 2016 and L.B.R. 2016-1. The attorney shall not send a bill directly to the debtor. Should the debtor receive a bill from his/her attorney, the debtor should send a copy of such bill to the trustee.

b. Priority Creditors Under 11 U.S.C. § 1322(a)(2). All allowed priority claims will be paid in full by deferred cash payments, unless the holder of such a claim agrees to be treated differently. The known priority claims are as follows:

<u>Creditor</u>	<u>Type of Claim</u>	<u>Estimated Amount Due</u>
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B-3. CREDITORS SECURED BY PROPERTY OTHER THAN REAL ESTATE - DEBTOR TO RETAIN COLLATERAL. Creditors whose claims are secured by property other than real estate whose collateral is to be retained by the debtor shall retain their liens and be paid as indicated below. Insurance will be maintained upon such collateral at the debtor's expense, in accordance with the terms of the contract and security agreement creating such security interest.

a. To be Paid in Full Through Trustee. Creditors named below whose claims are allowed will be paid the equivalent of 100% of the present fair market value of their collateral not to exceed the balance of the obligation, in deferred cash payments. The excess of such a creditor's claim, over and above the fair market value of its collateral, will be paid as an unsecured claim.

Creditor:

Balance due: \$

Collateral description:

Replacement value: \$

Source of valuation:

Interest rate: %

Balance due to be amortized by monthly payments through trustee of \$ _____ for _____ months.

To be paid through the trustee on a fixed monthly basis as set forth above or on a pro rata basis.

The debtor hereby moves to value the collateral at \$ _____ in accordance with 11 U.S.C. §506(a), F.R.B.P. 3012, and L.B.R. 3015-2.

Creditor:

Balance due: \$

Collateral description:

Replacement value: \$

Source of valuation:

Interest rate: %

Balance due to be amortized by monthly payments through trustee of \$ _____ for _____ months.

To be paid through the trustee on a fixed monthly basis as set forth above or on a pro rata basis.

The debtor hereby moves to value the collateral at \$ _____ in accordance with 11 U.S.C. §506(a), F.R.B.P. 3012, and L.B.R. 3015-2.

Creditor:

Balance due: \$

Collateral description:

Replacement value: \$

Source of valuation:

Interest rate: %

Balance due to be amortized by monthly payments through trustee of \$ _____ for _____ months.

To be paid through the trustee on a fixed monthly basis as set forth above or on a pro rata basis.

The debtor hereby moves to value the collateral at \$ _____ in accordance with 11 U.S.C. §506(a), F.R.B.P. 3012, and L.B.R. 3015-2.

Creditor:

Balance due: \$

Collateral description:

Replacement value: \$

Source of valuation:

Interest rate: %

Balance due to be amortized by monthly payments through trustee of \$ _____ for _____ months.

To be paid through the trustee on a fixed monthly basis as set forth above or on a pro rata basis.

The debtor hereby moves to value the collateral at \$ _____ in accordance with 11 U.S.C. §506(a), F.R.B.P. 3012, and L.B.R. 3015-2.

b. To be Paid Directly by Debtor. Creditors named below whose claims are allowed will be paid directly by the debtor in accordance with the terms of the contract and security agreement.

Creditor:

Balance due: \$

Monthly installment: \$

Collateral description:

Replacement value: \$

Source of valuation:

Creditor:

Balance due: \$
Monthly installment: \$
Collateral description:
Replacement value: \$
Source of valuation:

c. Delinquency to be Cured Through Plan, Regular Payments to be Paid Directly by the Debtor.

Creditor:

Principal balance due: \$
Description of security:
Debtor's estimation of value:
Regular monthly installment payment: \$
Payment delinquency and other defaults:
Amount: \$

_____with interest at the rate of _____%
_____without interest

Creditor:

Principal balance due: \$
Description of security:
Debtor's estimation of value:
Regular monthly installment payment: \$
Payment delinquency and other defaults:
Amount: \$

_____with interest at the rate of _____%
_____without interest

B-4. CREDITORS SECURED BY PROPERTY WHICH WILL BE SURRENDERED BY THE DEBTOR. Upon confirmation of the plan, if not before, the debtor will surrender the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy such creditor's claim, the creditor shall hold a nonpriority, unsecured claim. The entry of the order confirming the plan shall have the effect of terminating the stay of 11 U.S.C. § 362(a) as to the collateral surrendered, thereby allowing the recovery and disposition of such property according to applicable nonbankruptcy law.

Creditor:

Collateral to be surrendered:
Debtor's estimation of value: \$

Creditor:

Collateral to be surrendered:
Debtor's estimation of value: \$

B-5. CREDITORS WITH CLAIMS SECURED BY REAL ESTATE. Creditors whose claims are secured by real estate, which is to be retained by the debtor, shall retain their liens and be paid as indicated below. Insurance will be maintained upon such collateral at the debtor's expense, in accordance with the terms of the contract and deed of trust creating the lien thereon.

a. Claims Secured Only by Interest in Debtor's Principal Residence:

Creditors named below are secured only by a security interest in real estate which is the debtor's principal residence. Creditors whose claims are allowed will have any delinquency accrued, or default which occurred before the filing of the petition commencing this case, cured through the plan. All obligations of the debtor under the contract and deed of trust (except as pertains to the curing of the below-described arrearages) will be performed by the debtor in accordance with the terms of such contract and deed of trust encumbering the property.

Creditor:

Principal balance due: \$

Description:

Regular monthly installment payment: \$

Prepetition delinquency and other defaults:

Amount: \$

_____ with interest at the rate of _____%

_____ without interest

Payments to cure prepetition delinquency and other defaults to be paid:

_____ Through the trustee on a fixed monthly basis by monthly payments of \$ _____ for _____ months or on a pro rata basis.

_____ Directly by the debtor.

Regular payments accruing post petition to be paid:

_____ Through the trustee on a fixed monthly basis by monthly payments of \$ _____ for _____ months or on a pro rata basis.

_____ Directly by the debtor.

Creditor:

Principal balance due: \$

Description:

Regular monthly installment payment: \$

Prepetition delinquency and other defaults:

Amount: \$

_____ with interest at the rate of _____%

_____ without interest

Payments to cure prepetition delinquency and other defaults to be paid:

_____ Through the trustee on a fixed monthly basis by monthly payments of \$ _____ for _____ months or on a pro rata basis.

_____ Directly by the debtor.

Regular payments accruing post petition to be paid:

_____ Through the trustee on a fixed monthly basis by monthly payments of \$ _____ for _____ months or on a pro rata basis.

_____ Directly by the debtor.

b. Claims Secured by Real Property Other Than the Debtor's Principal Residence:

Creditors named below are secured by a security interest in real estate other than the debtor's principal residence. Creditors whose claims are allowed will be paid the equivalent of 100% of the present fair market value of their collateral in deferred cash payments. This will fully satisfy the secured portion of such creditor's allowed claim. The excess of such a creditor's claim over and above the fair market value of its collateral will be paid as an unsecured claim.

Creditor:

Principal balance due: \$
Description:
Debtor's estimation of value: \$
Regular monthly Installment payment: \$
Prepetition delinquency and other defaults:
Amount: \$

_____ with interest at the rate of _____%
_____ without interest

Payments to cure prepetition delinquency and other defaults to be paid:
_____ Through the trustee on a fixed monthly basis by monthly payments of
\$ _____ for _____ months or on a pro rata basis.
_____ Directly by the debtor.

Regular payments accruing post petition to be paid:
_____ Through the trustee on a fixed monthly basis by monthly payments of
\$ _____ for _____ months or on a pro rata basis.
_____ Directly by the debtor.

Creditor:

Principal balance due: \$
Description:
Regular monthly installment payment: \$
Prepetition delinquency and other defaults:
Amount: \$

_____ with interest at the rate of _____%
_____ without interest

Payments to cure prepetition delinquency and other defaults to be paid:
_____ Through the trustee on a fixed monthly basis by monthly payments of
\$ _____ for _____ months or on a pro rata basis.
_____ Directly by the debtor.

Regular payments accruing post petition to be paid:
_____ Through the trustee on a fixed monthly basis by monthly payments of
\$ _____ for _____ months or on a pro rata basis.
_____ Directly by the debtor.

B-6. LIEN AVOIDANCE.

a. Avoidance of Nonpossessory, Nonpurchase-Money Security Interest: The debtor claims certain property exempt on Schedule C. That property is subject to a nonpossessory, nonpurchase-money security interest of a creditor which impairs the exemption of the debtor to personal property that fits within the categories set forth in 11 U.S.C. § 522(f)(1)(B)(i), (B)(ii) or (B)(iii). The exempt property, creditor, amount of the creditor's claim and amount to be avoided and paid as an unsecured claim are set forth below.

The debtor hereby moves to avoid the following *nonpossessory, nonpurchase-money security interest liens* pursuant to 11 U.S.C. § 522(f), L.B.R. 3015-2 and L.B.R. 4003-2.

<u>Name of Creditor</u>	<u>Description of Collateral</u>	<u>Value of Collateral</u>	<u>Identity of Senior Lienholder (if any)</u>	<u>Amount of Claim of Senior Lienholder</u>
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b. Avoidance of Judicial Lien: The debtor claims certain property exempt on Schedule C. That property is subject to a judicial lien for a debt, other than for a debt described in 11 U.S.C. § 522(f)(1)(A)(i) and (A)(ii), which lien impairs the exemption of the debtor to the property. The creditor, debtor's interest in the property, amount of the lien, amount to be avoided and amount not to be avoided are set forth below.

The debtor hereby moves to avoid the following *judicial liens* pursuant to 11 U.S.C. §522(f), L.B.R. 3015-2 and L.B.R. 4003-2.

<u>Name of Creditor</u>	<u>Description of Collateral</u>	<u>Value of Collateral</u>	<u>Identity of Senior Lienholder (if any)</u>	<u>Amount of Claim of Senior Lienholder</u>
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c. Avoidance of Other Security Interest and/or Lien: If the debtor intends to avoid a security interest or judicial lien pursuant to other applicable sections of the United States Bankruptcy Code, then the debtor shall so state below and shall file and serve the necessary pleadings within 90 days after the first date set for the meeting of creditors or, if applicable, contemporaneously with the filing of any Modified Chapter 13 Plan and Related Motions.

<u>Name of Creditor</u>	<u>Type of Lien</u>	<u>Description of Collateral</u>	<u>Basis for Lien Avoidance</u>
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B-7. UNSECURED CREDITORS NOT ENTITLED TO PRIORITY. Unsecured Creditors with claims not entitled to priority under the United States Bankruptcy Code will receive in deferred cash payments from

the trustee approximately _____% of the present value of their allowed claims, without interest. If this case were liquidated under Chapter 7, such creditors would receive a dividend of approximately _____% of their allowed claims.

B-8. EXECUTORY CONTRACTS. The debtor moves for assumption or rejection of the executory contracts and leases listed below.

a. Executory Contracts to be Rejected by the Debtor. The debtor rejects the following executory contracts.

Name of Creditor

Type of Contract

b. Executory Contracts to be Assumed by the Debtor. The debtor assumes the following executory contracts. The debtor agrees to abide by all terms of the agreement and to cure any prepetition arrearages or defaults in the manner listed below.

Name of Creditor

Type of Contract

Arrears on Filing Date

B-9. TITLE OF PROPERTY TO REVEST IN DEBTOR. All property of the estate shall revert in the debtor upon confirmation of the plan, subject to the provisions in the plan and confirmation order. Unless the plan provides otherwise, a secured creditor retains its lien until the allowed amount of its secured claim is paid. The terms of the debtor's prepetition agreement with a secured creditor shall continue to apply except as otherwise provided for in this plan or the order confirming the plan.

B-10. TREATMENT OF CLAIMS.

- a. Secured creditors must timely file a proof of claim to receive payment from the trustee.
- b. Before or after confirmation of the plan, a party in interest may object to a claim which is not filed in accordance with F.R.B.P. 3001 or 3002.
- c. If a claim is scheduled as unsecured and the creditor files a proof of claim alleging that the claim is secured but does not timely object to the confirmation of the plan, the creditor may be treated as unsecured for purposes of distribution under the plan. This paragraph does not limit the right of the creditor affected by the plan to seek relief from the stay or to object to the discharge of debt.
- d. If a claim is listed in the plan as secured and the creditor files a proof of claim as an unsecured creditor, the creditor will be treated as unsecured for purposes of distribution under the plan.

- e. If a claim is filed for collateral that is to be surrendered, the claim may be disallowed for purposes of distribution under the plan. An unsecured claim may be filed for any deficiency balance that may remain.
- f. If a claim is filed for a debt being paid directly by the debtor, the claim may be disallowed for purposes of distribution under the plan. This paragraph does not limit the right of the creditor to seek relief from the stay or move for dismissal should the debtor fail to make the payments as proposed in the plan.

B-11. OTHER PROVISIONS OF THE PLAN. None

The debtor will not sell real property without an order from the court. [Check if Applicable]

SECTION C - BUDGET

A photocopy of Schedules I and J, or a detailed summary thereof, is attached.

[Note to debtor: be sure that the budget is attached to each copy of the plan filed with the Court or served upon a party in interest]

SECTION D - SIGNATURES

Dated: _____

Signature of Debtor

Attorney for Debtor(s) (print or type)

Signature of Joint Debtor (if applicable)

Address of Attorney

City, State, Zip

Telephone Number, Including Area Code

SECTION E - PROOF OF SERVICE

The undersigned hereby certifies that on this date the foregoing Chapter 13 Plan and Related Motions was served upon the standing trustee, all creditors, and other interested parties, as set forth in the attached list of names and addresses, by mailing a complete copy of the plan, including a photocopy of the budget, to each party, by first class mail, or by electronic means. *[If the number of persons and parties served is twenty-five or fewer, service copies shall contain a complete certificate of service, including names and addresses of parties served. If service is made on more than twenty-five persons or parties, the certificate of service attached to the service copies need not contain the complete list of names and addresses, but may reference a service list attached to the original filed with the court.]*

Dated: _____

Signature of attorney, or *pro se* debtor(s)

Printed Name(s)

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
DIVISION**

In re:

Case No:
Chapter 13

Debtor(s)

NOTICE OF CHAPTER 13 PLAN AND RELATED MOTIONS

TO¹:

NOTICE OF:

- 1) DEADLINE FOR FILING OBJECTIONS TO CONFIRMATION**
- 2) MOTION FOR VALUATION**
- 3) MOTION TO AVOID CERTAIN LIENS, AND**
- 4) ASSUMPTION OR REJECTION OF EXECUTORY CONTRACTS**

The debtor(s) has filed a Chapter 13 Plan and Related Motions with the Court seeking to adjust his debts and, if applicable, to value the collateral of secured creditors, to avoid (that is, set aside or cancel) certain liens, and to assume or reject leases and executory contracts. [If applicable] This Chapter 13 Plan and Related Motions modifies a plan which was [was not] confirmed by the Court.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

Local Bankruptcy Rule 3015-2 provides that the Chapter 13 plan will be confirmed and the related motions granted, without a court hearing, if no objection is filed within the time allowed. If you do not want the Court to confirm the plan or (if you are a secured creditor) to value your collateral or avoid your lien as provided in the plan or (if you are a party to an unexpired lease or executory contract with the debtor) to assume or reject the lease or executory contract, then on or before _____, you or your attorney must:

File a written objection and a copy with the Court at:

United States Bankruptcy Court

¹Any creditor whose collateral is to be valued, whose lien is to be avoided, or whose lease or executory contract is to be assumed or rejected must receive an individually addressed notice ***and must be served in accordance with Federal Rule of Bankruptcy Procedure 7004.***

If you mail your objection to the Court for filing, you must mail it early enough so that the Court will receive it on or before the date stated above. You must also mail a copy to the attorney for the debtor(s) (or to the debtor(s) if the debtor(s) is not represented by counsel) and to the Chapter 13 Trustee:

Address of attorney for the debtor(s) or debtor(s) if not represented by counsel:

Address of Chapter 13 Trustee:

If a timely objection is filed to the original Chapter 13 Plan and Related Motions, the objection and the motions, if any, will be heard at the date and time given in the **Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines** previously mailed to you by the Clerk's Office. If a timely objection is filed to a modified plan, the Court will schedule a hearing on the objection.

1. The Chapter 13 Plan and Related Motions propose to value the claims of the following creditors:

<u>Name of Creditor</u>	<u>Description of Collateral</u>	<u>Value Assigned by Debtor</u>	<u>Interest Rate</u>	<u>Estimated Balance of Credit</u>
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2. The Chapter 13 Plan and Related Motions propose to avoid judicial liens, nonpossessory, nonpurchase-money security interests or other liens of the following creditors:

<u>Name of Creditor</u>	<u>Description of Collateral</u>	<u>Value of Collateral</u>	<u>Identity of Senior Lienholder (if any)</u>	<u>Amount of Claim of Senior Lienholder</u>
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3. The Chapter 13 Plan and Related Motions propose to assume or reject an executory contract or unexpired lease with the following creditors:

(A) Assume:

<u>Name of Creditor</u>	<u>Type of Contract</u>	<u>Arrears on Filing Date</u>
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(B) Reject:

<u>Name of Creditor</u>	<u>Type of Contract</u>
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REVIEW THE CHAPTER 13 PLAN AND RELATED MOTIONS CAREFULLY TO DETERMINE THE TREATMENT OF YOUR CLAIM UNDER THE PLAN.

PROOF OF SERVICE

The undersigned hereby certifies that on this date the foregoing Notice was served upon the standing trustee, all creditors, and other interested parties, as set for on the attached list of names and addresses, by mailing a complete copy of the Notice to each party, by first-class mail, or by electronic means. *[If the number of persons and parties served is twenty-five or fewer, service copies shall contain a complete certificate of service, including names and addresses of parties served. If service is made on more than twenty-five persons or parties, the certificate of service attached to the service copies need not contain the complete list of names and addresses, but may reference a service list attached to the original filed with the court.]*

Dated: _____

Signature of attorney, or *pro se* debtor (s)

Printed Name(s)